



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8  
999 18<sup>TH</sup> STREET - SUITE 300  
DENVER, CO 80202-2466  
Phone 800-227-8917  
<http://www.epa.gov/region08>

July 18, 2003

Ref: 8ENF-T

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Camp Bethel, Inc.  
c/o Kent Dempsey, Registered Agent  
PO Box 70  
Dayton, WY 82836

Camp Bethel, Inc.  
c/o Tom Herzog, Operator  
PO Box 70  
Dayton, WY 82836

Re: Administrative Order  
Docket No. **SDWA-08-2003-0040**  
PWS ID #WY5601497

Dear Mr. Dempsey and Mr. Herzog:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Camp Bethel, Inc. is a public water supplier as defined by the SDWA and that you have violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR § 141.63 for an acute bacteriological maximum contaminant level (MCL) violation.

EPA appreciates the considerable efforts that you have taken to ensure the protection of residents and guests at Camp Bethel, and your cooperation with EPA and the State of Wyoming. This Order requires you to install disinfection equipment; however you should be aware that if the results of the Microscopic



Particulate Analysis (MPA) reveal that the System is influenced by surface water, you may need to install filtration and chlorination at a future date. EPA will be corresponding with you regarding the results of the MPA and any additional requirements that may be needed.

Please note that EPA has decided to waive the requirement of 40 C.F.R. § 141.21 (b)(5) that requires systems to collect at least five additional routine samples during the month following a total coliform positive sample. EPA is authorized to waive this sampling requirement under 40 C.F.R. § 141.21 (b)(5)(i) since EPA's contractor will be conducting a site visit at Camp Bethel before the end of the next month.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA. In addition, enclosed is a brochure entitled "Funding Options for Privately-Owned Public Water Systems in Wyoming" which may help you locate sources of funding for your disinfection equipment.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Eric Banghart at the address on the

letterhead, include the mailcode 8ENF-T, or you may call Mr. Banghart at (800) 227-8917, extension 6971, or (303) 312-6971. If you wish to have an informal conference with EPA, you may also call or write Mr. Banghart. If you are represented by an attorney or have legal questions, please call Michelle Marcu at the above 800 number, extension 6921, or at (303) 312-6921.

We urge your prompt attention to this matter.

Sincerely,

**Sharon L. Kercher for/**  
Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosures  
Order  
SBREFA  
Funding Options brochure  
Public Notice template

cc: Larry Robinson, WY DEQ  
Dr. Karl Musgrave, WDH



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**July 18, 2003**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Sheridan County Commissioners  
c/o Steve Cox  
224 S. Main Street, Room B2  
Sheridan, Wyoming 82801

Re: Notice of Safe Drinking Water  
Act Enforcement Action against  
Camp Bethel, Inc. PWS #5601497

Dear County Commissioners:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Administrative Order is being issued under Section 1414 of the SDWA to Camp Bethel, Inc., Dayton, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. Camp Bethel, Inc. is in violation of 40 CFR § 141.63 for an acute bacteriological maximum contaminant level (MCL) violation.



*Printed on Recycled Paper*

A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Eric Banghart at (303) 312-6971.

Sincerely,

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement, Compliance  
and Environmental Justice

Enclosure

IN THE MATTER OF )  
 )  
Camp Bethel, Inc. )  
Dayton, Wyoming )  
 )  
Respondent )  
 )ADMINISTRATIVE ORDER  
Proceedings under Section 1414(g) )  
of the Safe Drinking Water Act, )  
42 U.S.C. §300g-3(g) )Docket No. **SDWA-08-2003-0040**  
 )

## FINDINGS

1. Camp Bethel, Inc. (Respondent) is a corporation under the laws of the state of Wyoming as of June, 1994 and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Camp Bethel, Inc. Water System, located in Sheridan County, Wyoming for the provision to the public of piped water for human consumption.
3. Camp Bethel, Inc. Water System has at least 15 service

connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C.

§ 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C.

§ 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.

5. According to an August 2002 sanitary survey by an agent for EPA, Respondent operates a system that is supplied solely by a ground water source consisting of one spring, serves approximately 70 persons through 4 service connections and qualifies as a public water system during the months of June, July, and August.

#### FINDINGS OF VIOLATION

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per quarter for non-community groundwater systems with an average daily population of less than 1,001 to determine compliance with the Maximum Contaminant Level (MCL) for total

coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(b) imposes and defines the acute MCL for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample.
3. Monitoring results submitted by Respondent for the public water system during July 2003 exceeded the acute MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall notify all water users of the Camp Bethel, Inc. Water System that an alternative water supply or water that has been boiled for at least five minutes is continually available. Respondent shall post the public notice at the lodge, dormitories and shower facilities and any other location as needed to inform all guests and residents. The alternative water supply shall be from a licensed water distributor, licensed by the State of Wyoming Department of Agriculture, Consumer Health Services Program, and shall be made available at no cost as needed for drinking and food



preparation until Respondent receives notification from EPA in writing that alternative water or boiled water is no longer necessary. Respondent shall provide a sufficient quantity of water for reasonable domestic uses, for each customer of the public water system.

2. Upon the effective date of this Order, Respondent shall conduct bacteriological monitoring as follows when the system is providing water to the public:

- a. Collect one sample per week from the treatment unit located in the lodge to determine compliance with the maximum contaminant level ("MCL") for total coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results, via phone and writing, to EPA immediately upon receiving the results. Respondent shall continue weekly monitoring until a minimum of three consecutive weeks of total coliform negative results are received, and Respondent receives notice from EPA in writing and by telephone that weekly monitoring may be discontinued.
- b. After three consecutive weekly samples are total coliform negative and Respondent receives telephone and written notice from EPA, Respondent shall initiate monthly bacteriological sampling to determine compliance with the MCL for total

coliform bacteria as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results, via phone, to EPA immediately upon receiving the results.

- c. After one month of total coliform negative results are received and Respondent receives notification in writing and by telephone from EPA that monthly monitoring may be discontinued, Respondent shall return to quarterly sampling and shall comply with all bacteriological monitoring requirements found at 40 C.F.R. § 141.21 to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63.
  - d. Respondent shall report all bacteriological analytical results to EPA within 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.31(a), or sooner if specified in this Order.
3. Within 30 days of the date of this Order, Respondent shall submit to EPA detailed plans for installing disinfection equipment that will bring Respondent's public water system into compliance with the MCL for coliform bacteria at 40 C.F.R. § 141.63. The plans shall include proposed system modifications, estimated costs of modifications, and a schedule for construction of the project and compliance with the MCL for coliform

bacteria to ensure that treated water is provided throughout the camp. The proposed schedule shall include specific milestone dates, a final compliance date (that shall be prior to the Camp's May 2004 opening date for the 2004 season) and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence.

4. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA.
5. Within 180 days of the date of this Order, Respondent shall submit to EPA quarterly reports on the progress made toward bringing Respondent's system into compliance with the coliform bacteria MCL at 40 C.F.R. § 141.63.
6. If Respondent installs chlorination equipment, monitoring for chlorine residual shall be as follows:
  - a. Respondent shall monitor chlorine residual daily at the entrance to the distribution system and shall record results daily.
  - b. Respondent shall report the results of the chlorine residual monitoring to EPA monthly, within the first ten (10) days of the month following the compliance period. Respondent shall call EPA within 24 hours any time the chlorine

residual is below .2 mg/l.

7. Reporting requirements specified in this Order shall be provided by certified mail to:

Eric Banghart  
U. S. EPA Region 8 (8ENF-T)  
999 18th Street, Suite 300  
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under Section 1414(g) (3) (A) of the Act, 42 U.S.C. § 300g-3(g) (3) (A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g) (3) (B) of the Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b), 42 U.S.C. § 300g-3(b) of the Act, may subject

Respondent to a civil penalty of not more than \$27,500  
per day of violation assessed by an appropriate U.S.  
District Court under Section 1414(b) of the Act,  
42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of  
issuance of this Order.

Issued this 18TH day of July, 2003.

**Michael T. Risner**

Michael T. Risner, Director  
David J. Janik, Supervisory Attorney  
Legal Enforcement Program  
Office of Enforcement , Compliance  
and Environmental Justice

**SIGNED**

Diane L. Sipe, Director  
Technical Enforcement Program  
Office of Enforcement , Compliance  
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT  
THE REGIONAL HEARING CLERK.**

**THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON JULY 18,  
2003.**